

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

MAHESH KUMAR PATHAK,
Petitioner,

v.

MICHAEL CHERTOFF, et al.,
Respondents.

NO. C07-4691 TEH

ORDER REQUIRING
SUPPLEMENTAL BRIEFING

Petitioner Mahesh Kumar Pathak contends that he is being unlawfully detained pending removal and therefore seeks a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241. Part of the Court's analysis depends on whether there is a "significant likelihood of removal in the reasonably foreseeable future." *Zadvydas v. Davis*, 533 U.S. 678, 701 (2001). Respondents contend that they "are actively trying to secure travel documents for Petitioner," Opp'n at 3, but they cite no evidence to support that contention. Accordingly, IT IS HEREBY ORDERED that:

1. Respondents shall file a supplemental declaration or declarations on or before **April 7, 2008**, documenting what efforts, if any, have been made to secure travel documents for Petitioner, as well as any other information bearing on the likelihood of Petitioner's removal in the reasonably foreseeable future. Respondents' declaration(s) shall also inform the Court of the status of both Petitioner's motion to reopen his case before the Board of Immigration Appeals and Petitioner's wife's application for relative status on Petitioner's behalf.

2. If Petitioner wishes to respond to Respondents' supplemental declaration(s), he must do so on or before **April 14, 2008**.

IT IS SO ORDERED.

Dated: 03/21/08



THELTON E. HENDERSON, JUDGE
UNITED STATES DISTRICT COURT